

ORDINANCE NO. 86- 5

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA: AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE 73-2, AS AMENDED, SECTIONS 500.21.L, 500.22.L, AND 500.22.M IN ORDER TO CLARIFY THE INTENT OF PERMITTING COMMERCIAL DEVELOPMENT WITHIN PLANNED UNIT DEVELOPMENTS AND PLANNED MOBILE HOME PARKS BY CHANGING THE METHOD OF CALCULATING THE AMOUNT OF LAND WHICH MAY BE USED FOR COMMERCIAL USES; PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125 (County Government), Section 125.01 of Florida Statutes establish the right and power of counties to provide for the health, welfare, and safety of existing and future residents by enacting and enforcing zoning and business regulations; and

WHEREAS, Chapter 163 (Intergovernmental Programs), Part II (Local Government Comprehensive Planning and Land Development Regulation Act) of Florida Statutes provides that counties shall have power and responsibility to plan comprehensively for their future development and growth, including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a comprehensive plan, as provided in Section 163.3202(2)(f) of Florida Statutes; and

WHEREAS, the Palm Beach County Zoning Code provides that commercial land uses may be permitted within planned developments based upon the assumption that conveniently located commercial facilities are consistent with the general goals of planned developments to provide a "more complete living experience through the application of enlightened and imaginative community planning and shelter design" (Sections 500.21.A, 500.22.A, and 500.24.A); and

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1           WHEREAS, in the case of planned unit developments, the  
2           Zoning Code further requires that "[t]hose dedicated commercial  
3           areas within the the interior of the project shall be designated  
4           for the convenience of the project residents" (Section  
5           500.21.M.1.h, emphasis added); and

6           WHEREAS, the intent of the Zoning Code to restrict  
7           commercial uses within planned unit developments to those that  
8           benefit residents is also implicit in the requirement that  
9           "[a]ccess to commercial facilities shall be from an arterial or  
10          collector which is part of the interior circulation system within  
11          the Planned Unit Development. No commercial facility shall  
12          maintain frontage or direct physical access on any arterial or  
13          collector bordering or traversing the Planned Unit Development  
14          tract" (Section 500.21.M.2.g, emphasis added); and

15          WHEREAS, it is the intent of the Board of County  
16          Commissioners that the same logic should be applied to the  
17          establishment of permitted commercial areas within planned mobile  
18          home parks; and

19  
20          WHEREAS, despite these clear statements of intent to limit  
21          commercial areas within planned developments to uses which serve  
22          the needs of residents rather than the needs of the public-at-  
23          large, commercial areas have been established in certain planned  
24          developments which are primarily intended to serve a larger  
25          regional market, particularly through the construction of large  
26          shopping centers containing grocery stores, department stores,  
27          and similar commercial development which cannot be economically  
28          supported primarily by residents of the planned development; and

29  
30          WHEREAS, commercial uses designed to serve the needs of a  
31          region or of the community at large are intended by the  
32          Comprehensive Plan and the Zoning Code to be located in a General  
33          Commercial (CG) Zone; and

34  
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1  
2 WHEREAS, the construction of community or regional  
3 commercial centers within planned developments has undermined the  
4 intent of the Comprehensive Plan of Palm Beach County to direct  
5 such commercial development to areas of commercial potential, and  
6 to limit commercial areas within a planned development to  
7 "accessory" neighborhood-oriented uses (Comprehensive Plan, Page  
8 5, Column 1); and  
9

10 WHEREAS, the construction of regional or community level  
11 shopping centers within planned unit developments has also upset  
12 the intent of the Comprehensive Plan by generating an excessive  
13 inventory of unbuilt commercial development in certain areas of  
14 Palm Beach County, thereby making it necessary to limit the  
15 approval of new, more timely, and better located commercial  
16 development; and  
17

18  
19 WHEREAS, the principal source of the problem of excess  
20 commercial development is the formula in the Zoning Code that  
21 calculates the amount of commercial land based upon a percentage  
22 of the gross area of the planned development, rather than upon  
23 its residential density; and  
24

25 WHEREAS, the problem can be effectively addressed by  
26 changing the formula to one based upon the residential density of  
27 the planned development; and  
28

29 WHEREAS, the Board of County Commissioners of Palm Beach  
30 County, Florida, sitting as the Local Planning Agency, has  
31 determined that these proposed amendments to the Palm Beach  
32 County Zoning Code are consistent with the adopted Comprehensive  
33 Plan of Palm Beach County, as required by Chapter 163, Section  
34

163.3194(2)(a) of Florida Statutes;  
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1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

3  
4 SECTION 1. The Palm Beach County Zoning Code (Ordinance  
5 73-2, as amended), Section 500.21 (Planned Unit Development),  
6 Subsection L.1 (Property Development Regulations for Planned Unit  
7 Developments-Commercial Use; Lot Area and Dimensions), is hereby  
8 amended to delete the reference to "Maximum Area", as follows:

9  
10 L. PROPERTY DEVELOPMENT REGULATIONS FOR PLANNED UNIT  
11 DEVELOPMENTS-COMMERCIAL USE.

12  
13 1. Lot Area and Dimensions.

14 Minimum Area One (1) acre

15 Maximum Area Two (2) percent of the  
16 total gross area of the  
PUD

17 Width 200 feet

18 Depth 200 feet

19 Frontage 200 feet

20 SECTION 2. The Palm Beach County Zoning Code (Ordinance  
21 73-2, as amended), Section 500.21 (Planned Unit Development),  
22 Subsection L (Property Development Regulations for Planned Unit  
23 Developments-Commercial Use), Subsection 5 is hereby amended as  
24 follows:

25 5. Calculating the Maximum Total Acreage of  
26 Commercial Development Permitted in a Planned Unit  
27 Development.

28 a. Legislative Intent.

29 It is the intent of the Board of County  
30 Commissioners to recognize the special nature of  
31 planned unit developments by establishing an  
32 opportunity for a limited amount of neighborhood-  
33 oriented commercial development to be constructed  
34 within a well-planned residential environment.

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1 Commercial uses are not to be considered an  
2 entitlement within a planned unit development. The  
3 Board of County Commissioners may approve a  
4 commercial area as part of a special exception if  
5 inclusion of a commercial area satisfies the  
6 intent of Section 500.21. The formulas indicated  
7 below which set maximum total acreage are intended  
8 only to establish thresholds for review of  
9 proposals to establish commercial areas within a  
10 unique form of planned development. They are not  
11 intended to nor shall they be interpreted to  
12 establish standards for review of proposals to  
13 establish a conventional Neighborhood Commercial  
14 (CN) Zone. Standards for Neighborhood Commercial  
15 Zones are established in the Comprehensive Plan,  
16 in Section 609 (Neighborhood Commercial District),  
17 and elsewhere in this Code.

18 b. Maximum Total Acreage of a Commercial Tract  
19 Within a Planned Unit Development.

20 Subject to the limitations of this Subsection, the  
21 Board of County Commissioners may specifically  
22 permit the establishment of a commercial tract  
23 within a planned unit development. Commercial  
24 tracts, and the mix of land uses therein, shall be  
25 designed to serve the convenience of residents.  
26 The maximum total acreage of all commercial  
27 tracts shall not exceed the levels indicated in  
28 the following table. The number of approved  
29 dwelling units for the planned unit development  
30 shall be determined by reference to its current  
31 approved Master Land Use Plan:  
32  
33  
34

TOTAL NUMBER OF  
APPROVED DWELLING UNITS  
SHOWN ON  
MASTER LAND USE PLAN

MAXIMUM TOTAL  
ACREAGE OF  
COMMERCIAL TRACT

Less than 150

0

151 to 500

One (1) acre

501 to 1000

Two (2) acres

More than 1000 units

Three (3) acres

c. Maximum Total Floor Area of Commercial Uses  
Contained Within a Multi-Family Residential  
Structure Located in a Residential Tract of a  
Planned Unit Development.

Subject to the limitations of this Subsection, the  
Board of County Commissioners may specifically  
permit the establishment of certain limited  
commercial land uses within a multiple family  
residential building in a residential tract of a  
planned unit development. The total floor area of  
such commercial uses shall not exceed ten (10)  
percent of the total floor area of the residential  
building. The area of vehicular use areas shall  
not be considered in calculating total floor area.  
Commercial uses permitted in the residential  
building shall be intended to serve the residents  
of the planned unit development, and shall be  
limited to such uses as restaurants,  
delicatessens, and personal services such as  
beauty shops, barber shops, drug stores, and  
medical offices.

Limited to a total floor area not to exceed ten  
(10) percent of the gross residential floor area  
contained therein, exclusive of vehicular parking  
and service areas, and limited to such areas as  
restaurants, delicatessens, and such personal  
services as beauty shops, barber shops, drug  
stores, and professional offices.

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SECTION 3. Palm Beach County Zoning Code (Ordinance 73-2, as amended), Section 500.22 (Mobile Home Rental Parks (MHRP)), Subsection L.1 (Property Development Regulations for MHRP Developments-Commercial Uses; Lot Area and Minimum Dimensions), is hereby amended to delete the reference to "Maximum Area", as follows:

L. PROPERTY DEVELOPMENT REGULATIONS FOR MHRP DEVELOPMENTS-COMMERCIAL USE.

1. Lot Area and Dimensions.

Minimum Area	One (1) acre
Maximum Area	Two (2) percent of the total gross area of the PUD
Width	200 feet
Depth	200 feet
Frontage	200 feet

SECTION 4. Palm Beach County Zoning Code (Ordinance 73-2, as amended), Section 500.22 (Mobile Home Rental Parks), Subsection L (Property Development Regulations for MHRP Developments-Commercial Uses), is hereby amended to add a new Subsection 6, as follows:

6. Calculating the Maximum Total Acreage of a Commercial Tract Permitted in a Mobile Home Rental Park (MHRP).

a. Legislative Intent.

It is the intent of the Board of County Commissioners to recognize the special nature of planned unit developments by establishing an opportunity for a limited amount of neighborhood-oriented commercial development to be constructed within a well-planned residential environment. Commercial uses are not to be considered an entitlement within a mobile home rental or condominium park. The Board of County

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Commissioners may approve a commercial tract as part of a special exception if inclusion of a commercial tract satisfies the intent of Section 500.22. The formulas indicated below which set maximum total acreage are intended only to establish thresholds for review of proposals to establish commercial tracts within a unique form of planned development. They are not intended to be nor shall they be interpreted to create new standards for review of proposals to establish a conventional Neighborhood Commercial (CN) Zone. Standards for Neighborhood Commercial Zones are established in the Comprehensive Plan, in Section 609 (Neighborhood Commercial District), and elsewhere in this Code.

b. Maximum Total Acreage of a Commercial Tract Within a Mobile Home Rental Park.

Commercial tracts, and the mix of land uses therein, permitted within a mobile home rental park development shall be designed to serve the convenience of residents. The maximum total acreage of all commercial tracts shall not exceed the levels indicated in the following table. The approved number of dwelling units of the mobile home rental park shall be determined by reference to its current approved Master Land Use Plan:

TOTAL NUMBER OF APPROVED DWELLING UNITS SHOWN ON MASTER LAND USE PLAN	MAXIMUM TOTAL ACREAGE OF COMMERCIAL TRACT
Less than 150	0
151 to 500	One (1) acre
501 to 1000	Two (2) acres
More than 1000	Three (3) acres



1           SECTION 5.       The Palm Beach County Zoning Code, Ordinance  
2 73-2 (as amended), Section 500.21 (Planned Unit Development),  
3 Subsection M.2.g (Design Criteria; Access and Circulation) is  
4 hereby amended as follows:

5  
6       g. Commercial tracts shall be located in the interior of a  
7 planned unit development. Access to commercial tracts  
8 facilities shall be from an arterial or collector street  
9 which is part of the interior circulation system within the  
10 Planned Unit Development. No commercial tract facility  
11 shall maintain frontage or direct physical access on any  
12 arterial or collector bordering or traversing the Planned  
13 Unit Development tract.

14  
15       SECTION 6.       Palm Beach County Zoning Code (Ordinance 73-  
16 2, as amended), Section 500.22 (Mobile Home Rental Parks (MHRP),  
17 Subsection M.1 (Design Criteria; General Objectives), is hereby  
18 amended to add a new Paragraph h and to redesignate existing  
19 Paragraph h, as follows:

20  
21       h. Those designated commercial areas within the  
22 interior of the project shall be designated for  
23 the convenience of the project residents.

24  
25       i. h- See Section 500.29 for additional Design  
26 Criteria pertaining to required improvements.

27  
28       SECTION 7.       The Palm Beach County Zoning Code (Ordinance  
29 73-2), as amended, Section 500.22 (Mobile Home Rental Parks),  
30 Subsection M.2.g (Design Criteria; Access and Circulation) is  
31 hereby amended as follows:

32  
33       g. Commercial tracts shall be located in the interior of a  
34 mobile home rental park. Access to commercial tracts

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1 facilities shall be from an arterial or collector street  
2 which is part of the interior circulation system within the  
3 MHRP development. No commercial tract facility shall  
4 maintain frontage or direct physical access on any arterial  
5 or collector bordering or traversing the Planned Unit  
6 Development tract.

7 SECTION 8. CAPTIONS.

8 The captions, section headings, and section designations  
9 used in this Code are intended for convenience of users only and  
10 shall have no effect on the interpretation of the provisions of  
11 this Ordinance.

12  
13 SECTION 9. REPEAL OF LAWS IN CONFLICT.

14 All local laws and ordinances applying to Palm Beach County  
15 in conflict with any provisions of this ordinance are hereby  
16 repealed.

17  
18 SECTION 10. SEVERABILITY.

19 Should any section, paragraph, sentence, clause, or word of  
20 this ordinance be held to be unconstitutional, inoperative, or  
21 void, such holding shall not affect the validity of the remainder  
22 of this ordinance.

23  
24 SECTION 11. INCLUSION IN CODE.

25 The provisions of this ordinance shall become and be made a  
26 part of the Code of Laws and Ordinances of Palm Beach County,  
27 Florida, and the various sections may be retitled, renumbered, or  
28 relettered to accomplish this purpose.

29  
30 SECTION 12. EFFECTIVE DATE.

31 The provisions of this ordinance shall become effective upon  
32 receipt of acknowledgment by the Department of State of the State  
33 of Florida.

1  
2 APPROVED AND ADOPTED by the Board of County Commissioners of  
3 Palm Beach County, Florida, on this 25th day of February,  
4 1986.

5 PALM BEACH COUNTY, FLORIDA, BY ITS  
6 BOARD OF COUNTY COMMISSIONERS:

7  
8 By: *James M. Naves*  
9 Chairman

10 Acknowledged by the Department of State of the State of  
11 Florida, on this, the 6th day of March, 1986.

12 EFFECTIVE DATE: Acknowledgment received from the Department  
13 of State of the State of Florida, this 10th day of March,  
14 1986, at 1:06 P.M., and filed in the Office of the Clerk of  
15 the Board of County Commissioners of Palm Beach County, Florida.

16 APPROVED AS TO FORM  
17 AND LEGAL SUFFICIENCY:

18 By: *Andrew G. Gagnier*  
19 County Attorney

20 STATE OF FLORIDA, COUNTY OF PALM BEACH  
21 I, JOHN B. DUNKER, ex-officio Clerk of the  
22 Board of County Commissioners certify this to  
23 be a true and correct copy of the original filed in  
24 my office on 2/25/86 E  
25 DATED at West Palm Beach, FL on 3/11/86  
26 JOHN B. DUNKER, Clerk  
27 By: *Michael J. Gagnier* D.C.  
28 Deputy Clerk  
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